

**124.411 Second or subsequent offenses.**

1. Any person convicted of a second or subsequent offense under [this chapter](#), may be punished by imprisonment for a period not to exceed three times the term otherwise authorized, or fined not more than three times the amount otherwise authorized, or punished by both such imprisonment and fine.

2. For purposes of [this section](#), an offense is considered a second or subsequent offense, if, prior to the person's having been convicted of the offense, the offender has ever been convicted under [this chapter](#) or under any state or federal statute relating to narcotic drugs or cocaine, marijuana, depressant, stimulant, or hallucinogenic drugs.

3. [This section](#) does not apply to any of the following:

a. An offense under [section 124.401, subsection 5](#).

b. Hemp or a hemp product excluded from schedule I of controlled substances as provided in [section 124.204, subsection 7](#).

[C97, §5003; C24, 27, 31, 35, §3168, 3169; C39, **§3169.21**; C46, 50, 54, 58, 62, §204.22; C66, 71, §204.20; C73, 75, 77, 79, 81, §204.411]

[84 Acts, ch 1013, §17](#)

C93, §124.411

[2019 Acts, ch 130, §27, 33](#)

2019 amendment to subsection 3 effective April 8, 2020; the secretary of agriculture published an advisory notice in IAB Vol. XLII, No. 21 (4/8/20), p. 2630, that the state plan for the production of hemp was certified by the United States department of agriculture and that Code chapter 204 was implemented on that date; see [2019 Acts, ch 130, §18, 33](#)

Subsection 3 amended